

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C 15-4854 MMC

Plaintiff,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION TO DISMISS;
VACATING HEARING**

v.
FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.,

Defendants.

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Before the Court is defendants' Motion to Dismiss, filed February 11, 2016. On February 25, 2016, plaintiff filed a First Amended Complaint ("FAC").

A party may amend a pleading "once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." See Fed. R. Civ. P. 15(a). "[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

In the instant case, plaintiff filed its FAC within 21 days after service of defendants' Motion to Dismiss, and, consequently, was entitled to amend as of right. See Fed. R. Civ. P. 15(a).

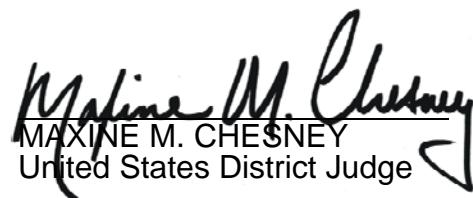
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1 Accordingly, the Court hereby DENIES as moot defendant's motion, and VACATES
2 the April 8, 2016 hearing scheduled thereon.

3 **IT IS SO ORDERED.**

4 Dated: March 8, 2016


5 MAXINE M. CHESNEY
United States District Judge

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